

**ORGANIZATIONAL MEETING AGENDA  
OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK  
JANUARY 3, 2013  
5:00 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), James Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** None

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- 1. At this time the Chair will entertain nominations from the floor for the position of Mayor Pro Tem.**

Councilor Calnon; nominated by Councilor Case

Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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- 2. At this time the Chair will entertain nominations from the floor for the position of Clerk of the Common Council.**

Councilor Case; nominated by Councilor Jackson

Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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- 3. Appointment of Council Committees positions for the period of January 1, 2013 through December 31, 2013 per the request of the Common Council:**

Public Safety - Police and Fire:

Councilors Calnon, Carpenter, Jackson

Community Relations - Building Inspector, Assessor, Recreation, Community Development:

Councilors Case, Calnon, Tiffer

Infrastructure - MLD, PW, Environmental, Engineering:

Councilors Jackson, Rabideau, Tiffer

Records - Finance, Clerk, Court, Historian, Library:

Councilors Rabideau, Case, Carpenter

Human Resources: Mayor Kasprzak

Each Committee will meet no less than six times each year.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion:

**Councilor Carpenter** said I would love to see us do a bi-weekly payroll and meet the weeks that we're

doing payroll bi-weekly.

**Councilor Calnon** said I think that's one of the goals and that's one of the things Richard has indicated that he is hoping to get to. And if it ends up that the payroll week is not the week we have in the schedule we can switch a week to make it work. This is something if we find it doesn't work out in March we can just change it back to weekly if we think that's necessary too.

**Mayor Kasprzak** said I would believe that all of you have a feeling that after several months of this schedule you think you want to change it back. I think everybody would be respectful to do that.

**Councilor Carpenter** said we will be meeting with 3 Councilors so a 4<sup>th</sup> wouldn't be able to join without advertising ahead of time? Say you were meeting for Community Relations and I wanted to come sit in, could I because then you'd have the 4<sup>th</sup>?

**Councilor Calnon** said it's my belief that if you didn't participate in the discussion that is not a violation of the Open Meetings Law. However, I think it would behoove us to publicize the committee meetings anyway.

**Councilor Carpenter** said so will they be open to the public?

**Councilor Calnon** said yes I think they normally ought to be all though they don't have to be. If there are subjects, and I think that is up to the discretion of the committees, if there is a topic of discussion that would be not to the level of executive session but of a sensitive nature it's a committee meeting so no decision can be made so I don't think it necessarily has to be open to the public. But, I think in general it would be. I'm kind of hoping that what will happen out of this is we'll get some more discussion with the departments and really get more in depth with the kind of things that we generally do during budget time but almost never the rest of the year.

**Councilor Carpenter** said so will we run each of these as an official meeting and we'll need someone to take minutes and someone to run the meetings. Or are they just going to be get together and sit or do you need leadership positions.

**Councilor Calnon** said that's up to each committee on how they want to organize. I think that any action that comes out of the committee should obviously be in written form. We have a section on our agenda "Correspondence and Recommendations from Boards." That may be a spot for committee reports. You might be proposing resolutions out of committees so those would automatically be there.

**Councilor Carpenter** said will the committees have authority to make changes or will that have to come to the Council. Right now we are liaisons we don't have the ability to make decisions in those departments. All we are is a means of communications. It will continue in that same way.

**Councilor Calnon** said yes.

**Councilor Jackson** said I kind of like this idea because I think it will give the managers more opportunities to speak with at least a portion of the Council and bring things forward. You had thought of things I hadn't thought of. I think if we just advertise instead of a Common Council Meeting which group is meeting the off week in the paper and if people want to come they can come. But, like Jim said if it's something of a sensitive nature because it's not the full council we can ask to be left to our own devices.



**Mayor Kasprzak** said you for years have attended County meetings and Joe has been covering the off weeks on the committee meetings there and they've never had any issues.

**Councilor Rabideau** said I don't remember the county advertising committee meetings. I think maybe at certain times.

**Councilor Jackson** said what I would suggest that each one of these committees just elect a chair who is responsible for taking notes and submitting a report in the section of the Common Council Meeting. Do it in writing and each Councilor can get a copy of it. You know just report received from the Public Safety Committee. You know right where we have all the other reports and Councilors will get a copy of it.

**Councilor Calnon** said the other thing is there's a couple ways to do this. One of them is, I think we're all kind of leaning towards is that; the odd Thursday would then be a great time for Committee meetings. It matches up with our auditing of the bills. As well as it's a pretty standard day to get together. We've kind of arranged our lives around it to some extent. But it doesn't lock us in to that either. If a Tuesday's a better day for a committee meeting for a whole lot of reasons there's that flexibility too. But I think if we can use the odd Thursday then it will help.

**Councilor Jackson** said I mean it's just like trying to organize MLD stuff basically if the people can't make it you move the meeting to where it fits. The nice thing is instead of trying to herd 7 cats you only have to herd 3. It just makes it a lot easier.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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4. **At this time the Chair recognizes that John Clute is serving the third year of his three year appointment as Corporation Counsel for the period of January 1, 2011 through December 31, 2013 and said previous appointment is hereby confirmed.**

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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## **PROPOSED RESOLUTIONS:**

1. **Proposed Resolution adopting the Regular Order of Business for the year commencing January 1, 2013 and terminating December 31, 2013.**

**RESOLVED:** That the Regular Order of Business to be followed by the Common Council through the period one year, commencing January 1, 2013 and terminating December 31, 2013, be as follows:

### **AT EACH SESSION THE BUSINESS SHALL BE**

1. Roll Call
2. Reading of the Minutes of the Previous Meeting
3. Approval of Payrolls – Various Departmental
4. Reports of City Offices & Committee Reports

5. Correspondence & Recommendations from Boards
6. Audit of Claims – Regular and Municipal Lighting
7. Public Comment
8. Weekly Agenda Items
9. Initial Consideration
10. New Business
11. Closing Public Comments
12. Adjournment

By Councilor Case; Seconded by Councilor Carpenter  
Discussion:

**Motion to amend to remove “#11 Closing Public Comments”**

By Councilor Calnon; Seconded by Councilor Case  
Discussion:

**Councilor Carpenter** said how come?

**Councilor Calnon** said for a couple of reasons. One it is a rarely used Public Comment period and it's almost always used in the negative manor. My feeling about the public commenting to the Council is that it really served I think 3 purposes. One it gives the public a chance to bring to our attention any items that they think we need to deal with. Two it lets them present information that we may want to know prior to taking action on something at that week's meeting. Third it's an opportunity for them to just let us know how they feel about a topic. Whether it's on an agenda, whether it's something that we've done the week before or something totally irrelevant to our agenda, a good news announcement even. So those three things can all be accomplished with a single public comment period. What I've seen more times than not is someone makes a presentation to us, isn't satisfied with our action and then wants to continue a debate. I really don't think that's the purpose of public comment. And I don't think that having one public comment period at all inhibits anybody's ability to address us. I think it just makes life less confrontational. That's really my thought behind it.

**Councilor Carpenter** said for me you're right it's very seldom used, a great majority of the comments we get are negative. Although I think if we were to look at all the comments we get at the first one we'd find a great majority of them are negative also. I hate the thought of not allowing the public a chance to talk either before or after we've done our actions. It really doesn't bother me. We hear an awful lot of complaints. But I know I am doing the best that I can do and the complaints sometimes they hit home sometimes they don't. But in the end for me I kind of like having that at the end. It's not very used it doesn't attach much I don't think.

**Councilor Tiffer** said I'm hesitant to do this because of the perception of us inhibiting the public from speaking. I agree with you we're leaving it at the beginning of the meeting anyone has the opportunity to do that. But if someone comes late or if someone doesn't realize what time to speak maybe they think they can speak at the end. I think your right there's a lot of negativity in the comments but this gives them the opportunity to speak about what we just voted on or what we just presented in the meeting. That's the opportunity to voice their opinion on those actions. For that reason I'm hesitant and I'm probably not in support of it.

**Councilor Jackson** said I was looking at this and actually going to suggest flip flopping 10 and 11. The



more I think about it I don't want to flip flop 10 and 11. I agree with what Jim is saying. In the County meetings there's one public comment. I'm assuming in the Town meetings. I'm assuming in just about every municipal meeting there's only one public comment period. This is actually relatively new. I think this Council might have started this actually.

**Councilor Calnon** said no.

**Councilor Jackson** said well then it was just before I got elected. When I first started coming to meetings before I was elected there was no second public comment section. I think it does just allow for a lot of negativity. If people feel that strongly they can come back the next week.

**Councilor Calnon** said the one other thing I forgot to mention is and there was some fairly high publicity at times when a speaker at the closing public comments actually said things that were not true and were frightening. And that's another reason why I think this was a much easier comment period to misuse in that way. There's actually no reason why, however, if we left this here that we just would not pause for a moment afterwards before adjournment and comment on the comments. I think that until someone actually moves for adjournment our meeting is still open and comments from Councilors around the table are always allowed. While that type of activity is the kind of thing that I was most concerned of when I proposed this several months ago I think that we can manage it either way. This is not something that I think is critical to our operation. I just think it might be a little neater it might be a little safer.

**Councilor Rabideau** said I think if somebody has something to really say they say it at the beginning. They can say it before we start voting. If there's something on the agenda they don't like we hear the comment before we vote. If we voted it's done. And I think the second one is yeah I happen to think of something else to say. If you're grinding the ax if you want to grind it, grind it at the beginning and then we'll make our decision on what we're voting on. If it has nothing to do with what we're voting on you're still having your voice at the beginning. I don't really see the need for the second one other than if somebody comes in and they "just want to say this because I forgot it the first time." I think they have a chance to voice their opinion at the beginning that's fine. I almost think it was added.

**Councilor Calnon** said one of the department heads that has been here throughout said it was your predecessor who added it.

**Councilor Jackson** said actually I think it was my predecessor who added it.

**City Clerk Keith Herkalo** said the second one was added. And there is no obligation under the Open Meetings Law to have a period. The Council here has always had at least one. The second one was added several years ago.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(Councilors Carpenter, Tiffer and Case voted in the negative. Councilors Rabideau, Calnon and Jackson voted in the affirmative. Mayor Kasprzak broke the tie in the affirmative.)

**ACTION TAKEN:** Adopted

Follow up Action: None

#### **Resolution as amended:**

**RESOLVED:** That the Regular Order of Business to be followed by the Common Council

through the period one year, commencing January 1, 2013 and terminating December 31, 2013, be as follows:

**AT EACH SESSION THE BUSINESS SHALL BE**

1. Roll Call
2. Reading of the Minutes of the Previous Meeting
3. Approval of Payrolls – Various Departmental
4. Reports of City Offices & Committee Reports
5. Correspondence & Recommendations from Boards
6. Audit of Claims – Regular and Municipal Lighting
7. Public Comment
8. Weekly Agenda Items
9. Initial Consideration
10. New Business
11. Adjournment

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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2. **Proposed resolution fixing the dates for all Regular Meetings of the Common Council to be held Thursdays at 5:30 PM in the Common Council Chambers for the period January 1, 2013 and terminating December 31, 2013, except when deemed necessary. Work sessions are to be held on Thursdays at 5:00 PM or whenever deemed necessary, in the Common Council Chambers. Executive Sessions will be held in the Mayor's Office.**

**RESOLVED:** That the Regular Meetings of the Common Council to be held during the period of January 1, 2013 through December 31, 2013 be and the same are hereby fixed to be held the first three Thursdays of January and thereafter on Thursday of each second week at 5:30 PM; in the case of an exception, the Regular Meeting of that week shall be held on the Tuesday evening preceding, unless such meeting is otherwise fixed by resolution of the Common Council adopted at a prior meeting to be held on other than the evening herein before designated, it being understood there shall be a work session held on Thursday evening at 5:00 PM or on Tuesday evening at 5:00 PM when deemed necessary, further that budget hearings be scheduled in the fall by the Mayor Pro-Tem.

**RESOLVED:** That in the event it may become necessary to call Special Meetings of the Common Council from time to time, the procedure as set forth in Article IV, Section 4-1, Charter Section of the Code of the City of Plattsburgh, New York shall be followed.

By Councilor Calnon; Seconded by Councilor Tiffer

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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3. **Proposed resolution designating the *Press Republican* as the official newspaper of the City of Plattsburgh.**

**RESOLVED:** That the *Press Republican* is hereby designated as the official newspaper of the City of Plattsburgh, New York for the purpose of publication of all legal and help wanted notices, ordinances, local laws, proposals, tax notices, etc., authorized by resolution of the Common Council from time to time throughout the period of one year, commencing January 1, 2013 and terminating December 31, 2013, at a fee which is to be determined;

**Press Republican**

First publication legal	\$.485/line
Second publication legal	\$.395/line

By Councilor Case; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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4. **Proposed resolution designating the *Glens Falls National Bank*, Margaret Street Branch and *TD Bank*, Plattsburgh Branch, as the official depositories for all City of Plattsburgh funds.**

**RESOLVED:** That the *Glens Falls National Bank*, Margaret Street Branch and *TD Bank*, Plattsburgh Branch be and they are hereby designated as the official depositories for all funds of the City of Plattsburgh, for the period of one year commencing January 1, 2013 and terminating December 31, 2013.

By Councilor Case; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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5. **Proposed resolution adopting the present Investment Policy for the period January 1, 2013 ending December 31, 2013, unless otherwise amended.**

**RESOLVED:** That the investment policy as recommended by the Office of the State Comptroller establishing guidelines which comply with applicable State statutes and as adopted at a Regular Meeting of the Common Council held December 10, 1987, be and the same is to continue in effect for the period of January 1, 2013 through December 31, 2013 as amended.

By Councilor Case; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**6. RESOLVED: That the Rules for 2013 be, and the same are, hereby accepted and adopted by the Common Council as follows:**

1. The Council shall assemble promptly at 5:30 PM in regular session on Thursday and at such other times as may be determined at a previous session.
2. All petitions and communications that out of their inherent necessity requires their being acted upon at the next regular meeting, and all other agenda items to be introduced at the next regular meeting (for action at a succeeding regular meeting) shall be presented to the Office of the Mayor not later than **NOON** on the Tuesday preceding the meeting. This rule is subject to exception in Rule 4 below.
3. The Office of the Mayor shall have available to each Councilor, the agenda to be acted upon on Wednesday afternoon preceding the regular Thursday meeting.
4. Rule 2 shall not prevent the Mayor and/or Councilors from submitting any matter or offering any motion which was not on the agenda, if in his/her opinion, the issue should be raised. However, if necessity does not require immediate action, the motion is introduced for action at the next regular meeting. A resolution must be adopted for specific resolutions to be brought forward under rule 4.
5. Any member unable to attend a meeting must notify the Clerk prior to the meeting, giving the legitimate reason for non-attendance.
6. The Chair shall preserve order at the sessions and shall appoint all committees. Through a point of order, any procedural ruling by the Chair is subject to reversal by a majority vote of the Council.
7. All City Departments will be represented by the Department Head or his/her delegate, as long as they are management personnel, for the **Council Work Session** unless otherwise excused by the Mayor. All City Departments having items for action on the Agenda shall be represented at the **Council Meeting**.
8. A member desiring to speak or present any subject matter to the Council shall address the Chair and shall not further proceed until recognized by the Chair and awarded the floor for such purpose. Through a point of order, time limits can be placed and extended by a majority vote of the Council.
9. A roll call vote shall be taken on any question, with the exception of procedural motions through points of order, which shall require only a hand vote, unless a roll call vote is requested by any member of the Council. A Councilor shall be allowed to explain his/her vote at the time of casting said vote.
10. At each session, the business shall be:
  - a. Roll Call
  - b. Reading of the Minutes of the Previous Meeting



- c. Approval of Payrolls – Various Departments
  - d. Reports of City Offices and Committees
  - e. Correspondence & Recommendations from Boards
  - f. Audit of Claims – Regular and Municipal Lighting
  - g. Public Comment
  - h. Weekly Agenda Items
  - i. Initial Consideration
  - j. New Business
  - k. Adjournment
11. When a question shall be under consideration, no motion shall be received except as herein specified, which shall have precedence in the following order:
- a. Point of Order for clarification, or to request reversal of ruling of the Chair, or limiting or extending discussion (by majority vote)
  - b. Recess such session
  - c. Amend
  - d. Refer to standing committee
  - e. Refer to select committee
  - f. Call the previous question
  - g. Table or postpone
  - h. Adjourn such session
12. All matters to be acted upon shall be entered at length upon the agenda.
13. In the event any question of procedure shall arise which is not provided for by these rules, then, in that event, Robert's Rules of Order shall be followed.
14. When the Councilors are notified of a Special Meeting of the Common Council, the news media shall also be notified.
15. At the Public Discussion portion of the regular meeting, the public will have the right to address the Common Council, subject to the Chair's discretion to rule discussants out of order. The rules for public comment are listed below (adapted from NYCOM – Handbook for city officials):
- 1. The Public shall be allowed to speak only during the public comment period of the meeting.
  - 2. Speakers must give their name, address and organization, if any.
  - 3. Speakers must be recognized by the presiding officer.
  - 4. Speakers must limit their remarks to five minutes.
  - 5. Speakers may not yield any remaining time they may have to another speaker.
  - 6. Council members, with the permission of the presiding officer, may ask questions of a speaker during or after his remarks, but only for the purpose of clarification or information.
  - 7. When a meeting is attended by a group of people who share the same or opposing views on a public comment topic, the presiding officer may require that the group(s) designate not more than two spokespersons and limit the total time for public comment to 10 minutes for each point of view or side on an issue.

8. All remarks shall be addressed to the council as a body and not to any member thereof.
9. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
10. Interested parties or their representatives may address the council at any time by written or electronic communications.
11. The Common Council may by majority voice vote grant more time to a speaker or a topic.
12. If a Common Council member objects to a ruling by the presiding officer, he shall raise his objection by a motion "appealing the ruling of the chair." If the motion passes, the ruling is overruled.
13. When a public comment topic is voted on by the Common Council, the topic may not be the subject of public comment for 6 months from the date of the vote unless the Common Council votes to allow public comment sooner.

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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7. **Proposed resolution establishing the amount of a Blanket Bond or Undertaking for city employees at \$250,000 and for the City Chamberlain at \$500,000.**

**RESOLVED:** That in accordance with Section 3-2 of the City Charter as amended, the Common Council of the City of Plattsburgh, as authorized by Section 11, Paragraph 2 of the Public Officer's Law, consents and approves that a Blanket Bond or Undertaking be procured for all City employees in the amount of \$250,000 (per loss) for each position and \$500,000 for the City Chamberlain, further

**RESOLVED:** That aforementioned Bond or Undertaking be executed for the period of one year, from July 6, 2012 to July 6, 2013, and said Bond or Undertaking shall be written by an approved Surety Company.

By Councilor Rabideau; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## 8. **RESOLUTION: Common Council Audit Committee**

1. The intent and purpose of this resolution is to define the composition, function and duties of the auditing committee of the Common Council.
2. The auditing committee shall be composed of any three members of the Common Council, including the Mayor as a member thereof. Members who act as an auditing committee are not required to be appointed or confirmed and such committee shall be



deemed to consist of the three members who sign claim forms or tabulations of claims as set forth in section 4.

3. The auditing committee shall review and recommend approval of claims for payment before approval by the common council as a whole.
4. Committee members shall indicate approval by signing or initialing claim forms or a tabulation of claims submitted for Council approval. Such forms or tabulation bearing the signatures or initials of committee members shall constitute the minutes of the committee. If a committee member objects to payment of a claim, he shall raise the objection at the time payment of the claim is presented to the Common Council for a vote.
5. The auditing committee is not required to meet or act as a body. If the committee meets or acts as a body, such meeting shall be held at an open public meeting of the Common Council, or at a public meeting which has been duly noticed in accordance with the Open Meetings Law.
6. This resolution supersedes all previous resolutions, including the Common Council's resolution of 4/30/1998.

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **9. RESOLVED: PURCHASE OF GOODS AND SERVICES**

**Section 1:** The PROCUREMENT POLICIES AND PROCEDURES FOR THE CITY OF PLATTSBURGH adopted 7/26/2012 is hereby amended to include a new section 1. A. 1 m) which authorizes the purchase of goods and services without competitive bidding under State or federal contract lists that comply with GML section 103.16. A copy of said policy, as amended, is made a part of the minutes of this meeting.

**Section 2:** That the Mayor be and he is hereby designated as the Official Purchasing Agent of the City of Plattsburgh, New York, effective as of January 1, 2013 and continue until the completion of his present term of office, namely December 31, 2013.

**Section 3:** That the Mayor shall direct the City Engineer's Office to establish and maintain a directory of current State, Federal and other authorized Purchasing Contracts. The City Engineer shall inform Department Heads of changes in contract vendors and/or prices.

**Section 4:** The head of the Purchasing Department may approve purchases of Goods costing less than \$1,000 without Mayoral approval. All other purchases require prior Department Head and Mayoral approval. When the Mayor is unavailable, the Mayor Pro Tem or the City Councilor who is liaison to the purchasing department may approve the purchase.

**Section 5:** The departments for which appropriation accounting is maintained shall draw purchase orders in triplicate on the forms provided. If exact price quotations are not available at the time the order is drawn, the cost shall be estimated and so indicated on the order. These

orders shall be consecutively numbered by each Department, starting with Number 1, at the beginning of each calendar year. For each order, merchandise on a competitively bid governmental use contract shall also bear the number of the applicable contract. The form of Purchase Order for other Departments shall be as approved by the Purchasing Agent.

**Section 6:** After approval by the Mayor, the green copy shall be provided to the vendor as authorization to purchase; the yellow copy to the Department of Finance to insure against payment of claim, pending receipt of merchandise; the white copy to the Department of Finance in exchange for the pink requisition form upon receipt of merchandise and to release the vendor's claim for audit and payment. The Departments, for which appropriation accounting is maintained, shall be governed by the above; other Departments shall make their distribution in the usual manner.

**Section 7:** In the event of an emergency, a Purchase Order will be required as soon as practicable. A short statement will be entered on the Purchase Order justifying an emergency and the phrase "Confirming Order".

**Section 8:** Department Heads are encouraged to make payment to those vendors with whom several transactions customarily occur each month, on a one-monthly basis. A summary claim can be prepared, listing the several purchases received during the month.

**Section 9:** Each Department shall be individually responsible to see that the appropriate balance is not overdrawn when submitting a purchase order or claim voucher. It shall be the responsibility of the Department of Finance to provide all departments with a report on a monthly basis showing the unencumbered balances in the various appropriation accounts.

**Section 10:** That a certified copy of this resolution be furnished to each Department Head for his/her information and files.

By Councilor Jackson; Seconded by Councilor Rabideau  
Discussion:

**Councilor Jackson** said I want to thank Mr. Clute and everybody who put this together.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**MEETING ADJOURNED: 5:30pm**



**PROCUREMENT POLICIES AND PROCEDURES**  
**FOR**  
**THE CITY OF PLATTSBURGH**

**IT IS HEREBY RESOLVED BY**, the Common Council of the City of Plattsburgh , County of Clinton, State of New York that to conform with the requirements of General Municipal Law, Section 104-b, Procurement Policies and Procedures, and

**IT IS FURTHER RESOLVED**, that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Common Council is adopting internal policies and procedures governing all procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

**I. Procedures for determining whether procurement is subject to bidding.**

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

**A. Procedure: All procurement must be examined and categorized as follows:**

**1. GML Section 104-b Non-competitive Bidding:**

- a). Purchase under \$20,000.00. <sup>1</sup>
- b). Contract for public work below \$35,000.00. <sup>2</sup>
- c). Articles manufactured in a New York State correctional facility (Corrections Law Section 184, 186).

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<sup>1</sup> increased under state law to \$20,000 effective June 22, 2010

<sup>2</sup> increased under state law to \$35,000 effective November 12, 2009

- d). Purchases from agencies for the blind or severely handicapped (State Finance Law Section 175-b).
- e). Purchases under a County contract (GML Section 103(3)).
- f). Purchases under a State contract (GML Section 104).
- g). Emergency purchases (GML Section 103(4)).
- h). Sole source purchases (GML Section 104-b).
- i). Professional Services (GML Section 104-b).
- j). True leases (GML Section 104-b).
- k). Insurance (GML Section 104-b).
- l). Second-hand equipment from another government (GML Section 103(6)).

**2. GML Section 104-b - Competitive Bidding:**

- a). Purchase contract of \$20,000.00 or more.
- b). Contracts for public work of \$35,000.00 or more.

**3. Other Analysis:**

- a). Purchases should be evaluated to determine whether, over the course of the fiscal year, the City of Plattsburgh will spend in excess of the competitive bidding thresholds for the same or similar items or services. Prior year's budgetary appropriations should be referred to for this information and compared with current projections.

4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.

5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

**C. Statutory Exceptions from These Policies and Procedures:**

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or GML section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or



quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method or procurement which furthers the purposes of General Municipal Law, Section 104-b.

1. City of Plattsburgh Purchases under County and State Contracts

- A. When there is only one provider of an item of equipment, material, product or service competitive pricing is not required.
- B. When there is more than one provider of the same (or functionally equivalent) item of equipment, material, product or service, the prices offered by all vendors shall be compared and the purchase made from the one offering the lowest price, taking transportation or shipping costs into consideration.
- C. When an item is available for purchase on the GSA Schedule Contracts, also known as Federal Supply Schedules, and at a price that is lower than the state contract price, or if the item is not listed on the state contract and the price is less than \$20,000 dollars, the item may be purchased on the GSA Schedule Contracts.
- D. CONSTRUCTION EQUIPMENT AND LABOR RENTAL. In 2012 Clinton County has contracts for the rental of construction equipment and labor which the City of Plattsburgh is permitted to piggyback on. The following guidelines apply to the use of such contracts:
  - a. All construction projects where the City Engineer's estimate of the total project cost is more than \$100,000 shall be competitively bid.
  - b. Where the estimated cost is less than 100k, equipment and labor may be rented under County Contract, provided:
    - i. The Engineer determines he has sufficient staff resources to monitor time and material expended on the job.
    - ii. The scope of work is specified in sufficient detail to permit a contractor to quote a lump sum price if requested to do so.
    - iii. All the labor and equipment used by the contractor performing the work is listed on the county contract.
    - iv. Before letting the work, the City Engineer shall prepare an estimate of project cost which includes quantity time estimates for labor and equipment.
    - v. When there is more than one contractor who has the labor and equipment to perform the work, the cost from each contractor shall be estimated by the Engineer using the engineer's time quantity estimates. This estimate shall be kept confidential until the work is awarded.
    - vi. For work with an estimated cost of less than 50k, the work may be awarded to the contractor with the lowest estimated cost based upon the engineer's cost

estimate, however, before the work is awarded, the contractor shall provide an estimate of time charges for labor and equipment.

- vii. For work with an estimated cost of more than 50k, the engineer shall request labor and equipment time budgets from each qualified contractor and compare all estimates before deciding whether to award the work.
- viii. In deciding whether to award the work under county contract, or competitively bid the work, the engineer may consider the accuracy of previous contractor time and cost estimates under county contract jobs, including county contract work for the county and other municipalities.

## **II. Methods of Competition to be used for Non-Bid Procurement:**

The methods of procurement to be used are as follows:

Purchase Contracts for Goods Costing Less than \$20,000	
ESTIMATED COST	WRITTEN QUOTES
\$0 to \$6,000	2
\$6,001 - \$19,999	3
Public Works Contracts Costing Less than \$35,000	
\$0 - \$15,000	2
\$15,001 - \$34,999	3

### Notes to Table

(a) The head of the Purchasing Department may approve purchases of Goods costing less than \$1,000 without Mayoral approval. All other purchases require prior Department Head and Mayoral approval. When the Mayor is unavailable, the Mayor Pro Tem or the City Councilor who is liaison to the purchasing department may approve the purchase.

(b) If the suggested number of written quotes cannot be obtained, this fact should be noted on the purchase order.

adopted 7/26/2012



(c) Written quotes should be kept in the purchasing department's file.

(d) The requirement for written price quotes for the purchase of goods may be satisfied by copying the internet page where goods are offered for sale, or from internet price comparison web sites that report prices from more than one vendor. If a vendor who sells goods over the internet is rated by customers, a relatively low customer rating may be used as a basis for purchasing goods from a vendor other than one who offers the lowest price.

#### **IV. Awards to Other Than Lowest Responsible Dollar Offeror:**

Whenever any contract is awarded to other than the lowest responsible dollar Offeror, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b above shall be explained by the purchasing department head in writing and attached to the purchase order.

#### **V. Items Excepted From Policies and Procedures by Common Council :**

A. There may be circumstances where the solicitation of alternative proposals or quotations, or accepting the lowest price or offer, will not be in the best interest of the City. These circumstances might include:

1. Emergencies where time is a crucial factor.

2. Procurement for which there is not viable competition (sole source items).

3. Procurement of professional services. Professional services or services requiring special or technical skill, training, expertise or familiarity with the policies, procedures, past practices and operational decisions of the City. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the City, e.g., legal and accounting services, impact liability issues of the City and its directors, including securities liability in circumstances where the City is issuing bonds. These qualifications and the concerns of the City regarding its liability and the liability of its officers are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and the officers of the City. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work;

management of City-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Banking and insurance services shall be procured by RFP submitted to not less than three providers.

#### **VI. Input from Officers:**

Comments concerning the policies and procedures shall be solicited from city officers involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VII. Supersedes Prior Policy; Effective Date. This policy restatement supersedes all previous policies concerning the purchase of goods and services. It is effective on the date it is adopted by Common Council resolution with respect to purchases made after that date.

#### **VIII. Annual Review.**

The Common Council shall annually review these policies and procedures. The Mayor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Mayor may designate.

#### **VIII. Unintentional Failure to Comply:**

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken, or give rise to a cause of action against the City of Plattsburgh or any officer or employee thereof.

**IT IS HEREBY RESOLVED**, that the foregoing **PROCUREMENT POLICIES AND PROCEDURES** shall become effective on July 26, 2012.

The foregoing **PROCUREMENT POLICIES AND PROCEDURES** were adopted by resolution of the Common Council at a regular meeting of the Common Council held on July 26, 2012.